

SERVICE DATE – NOVEMBER 6, 2017

**SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 33 (Sub-No. 327X)

**Union Pacific Railroad Company - Abandonment and Discontinuance of Service
Exemption - in Cerro Gordo County, Iowa**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP or railroad) filed a notice with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.20 seeking exemption from the requirements of 49 U.S.C. § 10903 for the abandonment of approximately 2.0 miles of rail line and for the discontinuance of service on approximately 0.5 mile of rail line. The segment UP seeks to abandon extends from Milepost 155.5 near Elm Drive to Milepost 157.5 near 19th Street, both in Mason City, Iowa (the Line). The segment on which UP seeks to discontinue service extends from Milepost 157.5 to 158.0.¹ A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If this notice becomes effective, the railroad would be able to salvage track, ties and other railroad appurtenance and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is in north-central Iowa and the width of the Line's right-of-way is generally 100 feet. The neighborhoods adjacent to the Line consist of residential, commercial and industrial areas. UP states that no rail traffic has moved on the Line for at least two years, and that there are no known hazardous waste sites or sites where known hazardous material spills have occurred on or along the Line.

ENVIRONMENTAL REVIEW

The railroad submitted an environmental report that concludes the quality of the human environment would not be affected significantly because of the abandonment or any post-abandonment activities. The railroad served the environmental report on several appropriate

¹ Because UP seeks to discontinue service over the 0.5-mile segment and not abandon it, environmental and historic documentation is not required under 49 C.F.R. §§ 1105.6(c)2 and 1105.8. There would be no potential for environmental impacts because no train traffic would be diverted, and no salvage would occur on this section of track. Therefore, this EA analyzes only the 2.0 miles of rail line that UP seeks to abandon.

federal, state, and local agencies as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)].² OEA reviewed and investigated the record in this proceeding.

Diversion of Traffic

Because there is no rail traffic on the Line, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

UP states that bridges, trestles and culverts would remain in place under the proposed abandonment. However, the railroad's environmental report does not specify whether rail, ties and other track equipment on the Line would be salvaged by UP or left in place.

The Natural Resources Conservation Service has not responded to the railroad's environmental report. However, OEA does not anticipate potential impacts to prime farmland soils protected under the Federal Farmland Protection Policy Act (7 U.S.C. § 4201) if salvage activities (if any) are confined to the existing right-of-way.

The U.S. Army Corps of Engineers – Rock Island District (Corps) responded by letter dated October 11, 2017. The Corps states that a permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would not be required unless bridges over navigable waterways are to be removed. Because the Line's bridges would be retained, OEA concludes that a Section 404 permit would not be required.

The U.S. Fish and Wildlife Service (USFWS) has not responded to the railroad's environmental report. However, because of the urban land uses adjacent to the Line, the railroad's intent to leave bridges, trestles and culverts over waterways intact, OEA does not expect federally listed threatened or endangered species protected by the Endangered Species Act (16 U.S.C. § 1536) to be impacted by the proposed abandonment. OEA has provided a copy of this EA to the USFWS – Rock Island Field Office, Ecological Services for review and comment.

The U.S. Environmental Protection Agency, Region 7 (USEPA) has not responded to the railroad's environmental report. OEA has provided the USEPA with a copy of this EA for review and comment.

² The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 33 (Sub-No. 327X).

The Iowa Department of Natural Resources searched its records of rare species and significant communities in the project area and found no site-specific records that would be impacted by the proposed abandonment.

HISTORIC REVIEW

The railroad submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and provided a copy to the Iowa State Historic Preservation Office (or SHPO), pursuant to 49 C.F.R. § 1105.8(c). As a component of its public outreach, the railroad also placed a notice of the proposed abandonment in the Globe-Gazette of Mason City, Iowa on October 6, 2017, and notified local governments of the proposed abandonment. Both the historic report and this EA are available on the Board's website, and OEA has provided the SHPO with a copy of this EA.

The Line was originally constructed in 1870 and 1871 by the Central Railroad Company of Iowa, which later became part of the Minneapolis and St. Louis Railway. In 1960, the Minneapolis and St. Louis Railway merged with the Chicago and North Western. The Line currently consists of 100-pound rail laid in 1951.

According to the railroad, there are three structures on the Line -- all bridges -- that are 50 years old or older including: a deck-plate-girder bridge over Willow Creek at Milepost 156.03 that was constructed in 1904 and received additional work in 1937; a three-span, through-girder bridge over State Street at Milepost 156.15 constructed in 1902; and a concrete bridge over Highway 122/5th Street at Milepost 156.45 constructed in 1958. UP states that these bridges would remain intact to facilitate potential use of the Line as a recreational trail, which is proposed by Mason City, Iowa.

In September 20, 2017 correspondence with the railroad, the SHPO states that it has insufficient information upon which to begin a formal agency review of the proposed abandonment. Thus, OEA has no SHPO opinion to consider before determining whether the proposed project could affect historic properties. Accordingly, OEA recommends a condition requiring UP to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

OEA conducted a search of the National Park Service's Native American Consultation Database at <https://grantsdev.cr.nps.gov/Nagpra/NACD/> to identify federally recognized tribes that may have ancestral connections to the project area. The database identified the following seven tribes for Cerro Gordo County (search date of November 1, 2017):

- Flandreau Santee Sioux Tribe of South Dakota;

- Lower Sioux Indian Community in the State of Minnesota;
- Prairie Island Indian Community in the State of Minnesota;
- Santee Sioux Nation, Nebraska;
- Upper Sioux Community of Minnesota;
- Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; and
- Spirit Lake Tribe, North Dakota.

OEA provided each tribe with a copy of this EA for review and comment.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. Union Pacific Railroad Company (UP) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. UP shall report back to the Board's Office of Environmental Analysis regarding any consultations with the Iowa State Historic Preservation Office and the public. UP may not file its consummation notice until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations and no salvage activities), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within the time specified in the Federal Register notice. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at 202-245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, D.C. 20423.

COMMENTS

If you wish to file comments regarding this EA, please send your written comments to Surface Transportation Board, Washington, D.C. 20423, to the attention of Dave Navecky, who prepared this document. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 33 (Sub-No. 327X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294 or e-mail at david.navecky@stb.gov.

Date made available to the public: November 6, 2017.

Comment due date: November 20, 2017.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment